

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

YU *et al.*

Appl. No. 09/314,889

Filed: May 19, 1999

For: **Death Domain Containing
Receptors**

Art Unit: 1643

Examiner: Ulm, J.

Atty. Docket: 1488.0310006/EKS/SGW

First Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each document is submitted herewith. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on August 18, 1999 in connection with the above-captioned application.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Pursuant to 37 C.F.R. § 1.56, Applicants hereby note the different inventorship and invention dates of each pending claim of the captioned application that was not commonly owned

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at the time a later invention was made. At the time the inventions were made and now, it is believed that the subject matter of claims 31-34 and 46-48 pending in the captioned application was and is owned by the same entity, which differs from the entity then and now owning the subject matter of claims 21-30, 35-45, and 49-119 of the captioned application; claims 1-61 of U.S. Patent No. 6,153,402 ('402 patent) (issued from Application No. 08/815,469, filed March 11, 1997); and claims 27-46 of Application No. 09/333,966 ('966 application), filed June 16, 1999. Applicants point out that claims 31-34 and 46-48 of the captioned application are each directed to an invention which is believed to have a different set of inventors and invention dates from the subject matter of claims 21-30, 35-45, and 49-119 of the captioned application; claims 1-61 of the '402 patent; and claims 27-46 of the '966 application. Further, the subject matter of claims 21-30, 35-45, and 49-119 of the captioned application; claims 1-61 of the '402 patent; and claims 27-46 of the '966 application is believed to have the earlier invention date, and the subject matter of claims 31-34 and 46-48 pending in the captioned application is believed to have the later invention date.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This First Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

Attached is our Check No. 29676 in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

Consideration of the facts set forth herein and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: 12/5/00

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FORM PTO-1449 FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 1488.0310006	APPLICATION NO. 09/314,889
	APPLICANT Yu <i>et al.</i>	
	FILING DATE May 19, 1999	GROUP 1643

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC1	4,179,337	12/18/1979	Davis <i>et al.</i>	435	181	07/28/1977
	AD1	5,120,525	06/09/1992	Goldenberg	424	1.1	12/05/1990
	AE1	5,656,272	08/12/1997	Le <i>et al.</i>	424	133.1	02/04/1994
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	WO 98/32856	07/30/1998	WIPO			Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR		
	AS		
	AT		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.